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Forty-sixth session

SUMMARY RECORD OF THE 37TH MEETING

Held at the Palais des Nations, Geneva,
on Friday, 23 February 1990, at 10 a.m.

Chairman: Mrs. QUISUMBING (Philippines)
later: Mr. DITCHEV (Bulgaria)

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The meeting was called to order at 10.15 a.m.

STATEMENT BY H.E. THE SECRETARY OF STATE FOR FOREIGN AFFAIRS OF THE REPUBLIC OF HUNGARY

1. Mr. SOMOGYI (Secretary of State for Foreign Affairs of the Republic of Hungary) said that, in his Government's view, the power of human rights was becoming more and more global, representing universal values and creating in a sense a world without borders, a process which his Government welcomed and supported. It attached great importance to the fact that Hungary had, for the first time, become a member of the Commission. While it still had a long way to go to provide the conditions and guarantees for the full implementation of human rights, its membership of the Commission was an integral part of its efforts and policy.

2. Hungary's human rights policy had a dual purpose: to guarantee human rights and fundamental freedoms by national legislation, governmental responsibility and an independent judiciary, and to support in its foreign policy the implementation and protection of those rights.

3. Human rights were fundamental values of democratic societies and States had a definite duty to promote and implement those rights within their national frameworks. The main contemporary problem was the attitude of non-democratic States which disregarded or violated human rights and fundamental freedoms and considered that even helpful calls by the community of nations invoking recognized principles and norms constituted interference in their internal affairs. That was not only a short-sighted policy but also one that was against their own best interests, since history provided numerous examples of Governments, leaders and dictators being called to account by their peoples for their policies in violation of human rights.

4. Occasional violations of human rights occurred even in democratic societies but, in such cases, remedies were available in a State subject to the rule of law.

5. With reference to the ideas of freedom and democracy that had recently swept over the region of Central and Eastern Europe, he said that Hungary was proud of having played the role of a catalyst in the progressive developments of the recent past. The actions its people had taken to tear down the structure of the party-State in a peaceful way, to build a representative democracy and to create a State subject to the rule of law were coupled with the acceptance of tens of thousands of refugees from Romania, the removal of the iron curtain on its western border and the free departure from Hungary of citizens of the German Democratic Republic wishing to resettle in the Federal Republic of Germany.

6. At the time, those steps might have appeared unusual and even bold but they had since proved to be justified and legitimate. They had been clear manifestations of Hungary's identification with the universal values of human rights and of its commitment to full compliance with its obligations under the multilateral human rights instruments.

7. The promotion of human rights and fundamental freedoms was a touchstone of the policy of the Republic of Hungary, which was committed to democratic and humanistic values, democracy being a sine qua non for the exercise of

human rights. Consequently, his Government was making efforts to devise and introduce institutions such as parliamentary democracy, a multi-party system, an independent judiciary and a social market economy based on the equality of various forms of property.

8. Those endeavours and his Government's human rights policy based on a new approach had recently found expression in a number of specific legislative enactments. It had ascertained that Hungary's domestic law and practice were not completely in line with its international commitments, and that there were serious gaps in its internal legal system. In order to remedy that situation, the Government had set in motion a far-reaching legislative process accompanied by broad social debates.

9. The most important landmark in that process was a basic revision of the Constitution, which currently recognized and guaranteed the widest possible scope of human rights and fundamental freedoms on the basis of international human rights instruments. In recent months, national legislation had incorporated wider guarantees on human rights, including separate laws on the right to leave the country and to return, political parties, the Constitutional Court, alternative civilian service and, last but not least, freedom of conscience and religion.

10. Under Hungary's new electoral law, consistent with the provisions of the International Covenant on Civil and Political Rights, the Republic was set to hold democratic, free and fair parliamentary elections on 25 March, when voters would freely express their will within the framework of the multi-party system. His Government's awareness of the significance of democratic and free elections had been an added motivation for his delegation's sponsorship, at the forty-third session of the General Assembly of a United States initiative which had resulted in the adoption of a General Assembly resolution to enhance the effectiveness of that freedom. His delegation stood ready to make further contributions, in the debate on periodic and genuine elections, to strengthen the principle of that important and universal human right.

11. Experience showed that the mere existence or transformation of a given social system did not of itself guarantee respect for human rights. Consequently, the revolutionary changes taking place in Eastern Europe did not automatically entail the enjoyment of human rights, which could only be achieved by purposeful actions of the country concerned and by constant international assistance to and monitoring of such actions.

12. Some profound changes had taken place in the immediate neighbourhood of Hungary and he wished to pay tribute to the peoples of Romania who had, by paying a heavy toll in human lives, put an end to a prolonged dictatorship. That change was of historic significance and offered a great opportunity for solving a number of grave and long-standing problems. At the same time, it should not be forgotten that the fall of a dictatorial régime and a mere declaration of the demand for a democracy did not of themselves mean the automatic termination of the previous practice of flagrant injustice that had afflicted several generations.

13. Free exercise of individual and collective rights by the Hungarian national minorities in neighbouring countries was, in addition to being an important domestic policy question for Hungary, an indispensable condition for stability and balanced development in the region and in the continent as a

whole. His delegation took the view that the elimination of nationalistic reflexes and the prevention of new waves of nationalism called for unequivocal and conscious policies and serious efforts on the part of all concerned. Individual countries must set up institutional guarantees to ensure the enjoyment by national minorities of their individual and collective rights in parallel with compliance by the States involved with their obligations under international law.

14. The different ways of monitoring compliance with human rights obligations could not but benefit individuals and peoples. The elimination of overlaps and refinement of the institutional systems would serve the cause of protecting human rights. Hungary thus welcomed the emergence of the human dimensions mechanism in the Conference on Security and Co-operation in Europe (CSCE) process by the adoption of human rights obligations at the Vienna follow-up meeting.

15. The activity of the Council of Europe might become a most important pillar of all European co-operation in the human rights field. Therefore, in keeping with its profoundly changed policy concerning human rights and humanitarian issues, his Government would adhere to all the conventions of the Council of Europe designed to ensure the implementation of human rights. His delegation intended to participate in the Council's activities concerning, inter alia, the enjoyment of minority rights or the elaboration of a charter of regional and minority languages. It was prepared to accede, concurrently with becoming a fully-fledged member of the Council, to the European Convention on Human Rights, which provided for the remedy of appeal, in the event of a human rights violation to the competence of an independent European court.

16. With regard to new forms of co-operation, his Government gave priority to beginning as early as possible a process of international codification laying down detailed rules on the protection of the individual and collective rights of national, ethnic, religious and linguistic minorities. It was convinced that the protection of minorities called for internationally binding legal rules, including a set of appropriate guarantees and the institution of international monitoring and control.

17. To that end, his delegation proposed that the Working Group concerned with a draft declaration of national, ethnic, religious and linguistic minorities should be instructed to complete the draft declaration before the end of 1991. It would be necessary for the Working Group to hold a two-week pre-sessional meeting for that purpose. Adoption of such a declaration would give a serious impetus to codification.

18. His Government accepted the competence of all the United Nations committees concerned with complaints about human rights violations. Hungarian human rights policy had been for some time open to criticism and it could not but welcome a "screening" of that policy, in which an important role was played by international scrutiny of complaints submitted by other States parties or its own citizens against a country's course of action. Other Governments should take a similar view of the significance of the control mechanism which was called upon to promote the protection of human rights.

19. The Commission had played a pioneering and exemplary role by establishing the institution of special representatives and special rapporteurs, which

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served as a manifestation of the international community's conscience, awareness and intention to help. As amply demonstrated by numerous cases, the institution had acted in defence of universal values. An excellent case in point was that of the Special Rapporteur on the situation of human rights in Romania, whose work and report his delegation appreciated highly. It pledged its support for the continuing examination of the human rights situation in Romania and earnestly hoped that the new Romanian leadership would encourage and assist the work of the Special Rapporteur.

20. His Government supported the work of the thematic Rapporteurs also and thought that there was a need for a special representative to review the situation of those who were persecuted or imprisoned for their political beliefs. It was ready to assist such a person in his work.

21. His delegation further proposed that, in emergency situations involving exceptional violations of human rights, the Secretary-General or the Director of the Centre for Human Rights should appoint a commission authorized to carry out an on-the-spot inquiry and make recommendations where the situation so warranted. The commission should consist of 5 or 10 members, with the equal participation of all regional groups. With adequate preparation, the cause of human rights might be effectively served by such exceptional arrangements.

22. It was difficult to understand why some States could accept on-site inspection in certain areas of arms control but would be reluctant to accept monitoring of their compliance with human rights obligations. His delegation's proposal was intended to take advantage of the recent favourable trends in international relations, the increase in confidence among States and the growing recognition of the universal character of human rights.

23. In his view, human rights and fundamental freedoms represented universal values which were in the interests of nations, peoples and individuals alike. Such values could be protected and realized only by means of international co-operation.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS (agenda item 12) (continued) (E/CN.4/1990/5, 21, 22 and Corr.1 and Add.1, 25-28, 51, 52, 55, 57, 60-63, 69, 70, 73, 74 and 76; E/CN.4/1990/NGO/1, 3, 9, 10, 15, 19, 23-27, 31, 32, 34, 35, 40, 47, 53-55 and 58; A/44/526, 573, 620, 622, 635, 669 and 671)

24. Mr. COMTE (Centre Europe-Tiers Monde), having referred to an urgent appeal to the Commission, signed by 25 non-governmental organizations, to draw the United Nations attention to its moral and legal responsibility to exercise its good offices in seeking a just and peaceful solution to the conflict between Eritrea and Ethiopia, said that federation with Ethiopia had been imposed on Eritrea by General Assembly resolution 390 (V), and Haile Selassie had annexed its territory in 1962. The Eritrean people's rights, including the right to self-determination, had been flouted for 30 years. The current Ethiopian Government had, in order to justify its repression, renewed the

state of emergency, proclaimed in Eritrea by Haile Selassie in 1970. As a result, almost 900,000 civilians had been forced to live in exile, in addition to 200,000 forcibly displaced within the country.

25. The Ethiopian people, too, were suffering from the Ethiopian Government's policies, including that of press-ganging boys, often barely 14 years of age, into armed service. A journalist had related, in an article in the New York Times of 15 February 1990, how a United Nations representative had been a helpless witness to such an incident. The Ethiopian Government still refused to discuss with the PFLE the latter's proposals for joint, urgent famine-relief measures for the people of Eritrea and Tigre, and had refused to authorize the United Nations to provide food aid, either direct or through the Eritrean Relief Association, in PFLE-controlled zones.

26. The Ethiopian Government's refusal, despite what it said to the contrary, to help the Eritrean and Ethiopian peoples had been confirmed by a number of alarming incidents, such as the attack on a relief convoy near the village of Tsorona, the bombing of unarmed civilians by Ethiopian aircraft at Hazemo, the sale, at Asmara, of international aid supplies bearing ICRC markings, and the priority earmarking of such supplies for members of the Ethiopian Government and armed services, a fact attested to by foreign visitors although officially denied, as reported in the New York Times of 15 February 1990. The European Parliament had adopted a resolution aimed at securing authorized access for humanitarian organizations to all famine-stricken regions.

27. The Ethiopian Government asserted that the allegations set forth in the report of the Special Rapporteur on summary or arbitrary executions (E/CN.4/1990/22, paras. 162-167) were unfounded; but the fact that only the Ethiopian Government possessed aircraft of the sort involved in the bombing incidents reported testified to the Government's bad faith. Every year Amnesty International recorded damming evidence of that Government's deeds.

28. His organization called upon the Commission to adopt, at its current session, a resolution condemning the Ethiopian Government's violations of human rights, urging that Government to cease violating the Eritrean and Ethiopian peoples' rights and seek a just political solution to the conflict, and appointing a special rapporteur to study the human rights situation in Ethiopia, and especially in Eritrea, and report to the Commission at its next session.

29. The Commission should also take the necessary steps to enable the United Nations to promote a political settlement. There would be no lasting solution as long as the United Nations and the world community continued to accept the Ethiopian Government's assertion that the conflict was a domestic problem.

30. Some 10 days previously, the Ethiopian delegation, exercising the right of reply, had accused his organization of ignoring recent positive developments in the world, including the negotiations between Ethiopia and Eritrea; but frankly he could find nothing in the Ethiopian situation comparable to events in Eastern Europe - unless it was the systematic violation of human rights by that region's former rulers.

31. Mr. ARMSTRONG (International Council of Voluntary Agencies) said that his organization welcomed the growing awareness of the link between development and observance of human rights. In that connection, however, the unique cultures of indigenous peoples in many regions, such as the tribal peoples of Irian Jaya, the Solomon Islands and Bougainville Island in Papua New Guinea, needed international protection against economic exploitation.

32. The world had become aware of a new category of extremely vulnerable persons, currently estimated at some 15 million - the internally displaced due to civil conflict, natural disasters or economic conditions. In many cases, they could receive no protection or assistance from their Governments, the world community had not yet approached their problem systematically, and access to them by humanitarian agencies was often denied by parties engaged in conflict. Although the Secretary-General had suggested that UNDP resident representatives or resident co-ordinators could play a key role in situations involving displaced persons, no focus for international attention had yet been devised. The Commission might consider appointing a special rapporteur for the purpose.

33. The Asia and Pacific region provided several examples of governments which used internal security legislation to violate human rights. In Singapore, the Government had taken steps to avert legal challenge to its Internal Security Act, under which Vincent Cheng and Teo Soh had been detained since 1987. In Malaysia, over 100 people, including the opposition leader, had been detained in 1987 under the Internal Security Act. Although all of them had since been released, the Act remained in force, and its potential for abuse had been increased by subordinating the Judiciary to the Legislature.

34. In Indonesia, the Anti-Subversion Law of 1963 had been recently criticized following trials which Amnesty International believed to have been politically motivated; and the authorities continued to execute people arrested and jailed some 25 years previously. His organization appealed to Indonesia to spare the lives of the other political prisoners.

35. It also appealed to the Commission and all Member States to press for free elections in Fiji, where many fundamental freedoms had been restricted following two military coups in 1987, and to urge the adoption of an acceptable constitution.

36. His organization welcomed the release of Nelson Mandela and other political prisoners and hoped that the state of emergency in South Africa would soon be lifted. The ending of apartheid would mean a new future for the refugees in neighbouring States and for the development of the SADCC region.

37. A high-level visiting mission by his organization to El Salvador had reported what appeared to be systematic operations by the Salvadorian armed forces against church and aid organizations, as a result of which local and international workers had been expelled or had gone into hiding. A rocket attack on a refugee resettlement village had killed four children and one adult and wounded at least 60 others; church and humanitarian organizations were pressing for an independent inquiry. ICVA requested the Commission to renew the mandate of the Special Rapporteur on the situation in El Salvador, and to mention, in the relevant resolution, the need for the Government to lift the state of siege and permit humanitarian organizations to operate normally.

38. With regard to Cambodia, the Commission's resolutions should provide against any return to power of those responsible for past genocide, who should be brought for trial before the International Court of Justice. Cambodians in the border camps should be allowed freedom of choice as to where they lived. A neutral camp under United Nations auspices would be the best solution; and the Commission should send a mission to visit the existing camps.

39. In Sri Lanka, the Government was ignoring widespread extrajudicial killings. ICVA appealed to the Commission and all Member States to condemn the violence on all sides in Sri Lanka, and urged the Commission to appoint a special rapporteur on the situation in that country.

40. ICVA welcomed the Sub-Commission's decision to refer the situation in East Timor to the Commission, as well as the Indonesian Government's new policy of openness. It was clear, however, from reports of incidents at the time of the visits to the territory of His Holiness the Pope and of the United States Ambassador to Indonesia, that human rights abuses continued to occur there. Consequently, ICVA called on the Indonesian Government to allow international humanitarian organizations free access to investigate, and urged the Commission to heed Bishop Belo's proposal that the people of East Timor should be allowed a voice on the territory's status.

41. ICVA endorsed the call for world-wide education on human rights; the fiftieth anniversary of the Universal Declaration, in 1998, would provide a suitable focus. It hoped that the recent remarkable progress towards greater freedom, particularly in Eastern Europe, meant that the twenty-first century would herald a time when conflicts were settled by negotiation, when the prime concern of development was people, not wealth for a few, and when Governments truly reflected their peoples' aspirations.

42. Mr. RETUREAU (World Federation of Trade Unions) said that trade union militants had always been a prime target of repression, by employers or Governments. In any country, the status of trade union rights was an unfailing indicator of rights and freedoms. Thus, in Palestine, trade-union leaders were subjected to arbitrary arrest and long periods in detention without charge, tortured in concentration camps or exiled.

43. In South Africa dozens of workers had been killed during the recent transport strike. It was hoped that the freeing of Nelson Mandela and others would lead to genuine dialogue with a view to a political solution, the elimination of apartheid and the establishment of true democracy. Until apartheid had been eradicated, however, it was too early to speak of easing sactions.

44. In Chile, the democracy which had vanquished dictatorship at the polls was still hampered by the actions of police and paramilitary elements. In Iran, where capital punishment was meted out on a large scale, the victims of torture and execution in prison included many trade-union leaders and representatives, a list of whose names had been given to the Centre for Human Rights.

45. In Peru, peasants, trade unionists and even tourists were massacred by Sendero Luminoso terrorists whose opponents, whether army or paramilitary,

used equally repugnant methods. With regard to Romania, he hoped that a resolution would be adopted calling on the world community to help the Romanian people and workers, who had overthrown the savage Ceaucescu dictatorship, to overcome their economic problems and establish democratic institutions.

46. In Brazil, thousands had been killed, not only in the large towns but also in rural areas, including the murder of Francisco Mendes and the murders of trade union leaders Alcidio Gomes and Valdicio Barbosa dos Santos in 1989. In Guatemala, the installation of a civilian Government had not stopped the military faction from continuing to assassinate those who sought to establish genuine democratic institutions and respect for fundamental rights; the latest list submitted by his organization still ran to several pages.

47. In Colombia trade-union leaders, judges, workers and peasants were still dying in hundreds or thousands. War had been declared on drug trafficking, which was replacing former cash crops in importance, particularly because of demand in the industrialized nations' large cities, where young people suffering from discrimination and lack of education were taking to drugs in despair.

48. An army was not the best means of dealing with such problems. Indeed, the expense involved in sending in 30,000 men, killing hundreds of civilians and destroying whole quarters of Panama City to arrest one individual suspected of complicity in drug trafficking would have been better applied to social work in the ghettos of the United States and economic assistance to countries burdened by the debt crisis.

49. Killings by army and paramilitary personnel continued also in El Salvador; even doctors, hospital staff, and clergy, both native and foreign who tried to relieve the people's sufferings had been victims of torture and murder.

50. In the Sudan, the Government-established commissions to manage trade unions had nothing to do with genuine trade unions according to ILO standards. His organization welcomed the appeal made by the Director General of ILO for the Sudanese authorities to spare the life of Dr. Mamoun Hussein and all political prisoners.

51. In the Philippines, attacks on the progressive trade-union movement sadly showed that the existence of elective political structures did not always safeguard trade-union rights, particularly in countries burdened by debt and structural-adjustment policies. In Cambodia, the people faced a new threat of genocide; it was precisely in such a situation that intervention could be justified. The Kurdish people still suffered from efforts at political extermination and deprivation of their national rights, including the right to speak their own language.

52. Since human rights violations were often directly linked to economic and international debt problems, he hoped that the Commission would follow the course outlined in the report of the Sub-Commission's Special Rapporteur on the realization of economic, social and cultural rights (E/CN.4/Sub.2/1989/19). WFTU welcomed the restructuring of trade unions in Central Europe on the basis

of independence and democracy. It hoped that the economic and social reforms would succeed, with the direct participation of workers, and called on IMF and other institutions not to impose structural-adjustment measures that would prevent the workers from achieving the free development and social progress they hoped for.

53. Mr. Ditchev (Bulgaria) took the Chair.

54. Mr. EYA-NCHAMA (International Movement for Fraternal Union among Races and Peoples) said that his organization was following with close attention a conference which had begun on 19 February at Cotonu, Benin, and which, in his organization's opinion, could, if successful, open the way for the democratization of the African continent. Since the coup d'état of 26 October 1972, Benin had been governed tyrannically and was in a situation of total economic bankruptcy. His organization called on the international community to continue to bring pressure to bear on Mathieu Kerekou, the despot who had ruined his country, so as to secure his resignation.

55. In Burkina Faso, after murdering the former Head of State, the despot Blaise Compaore was governing the country in an arbitrary manner. For example, on 18 September 1989, he had condemned to death two of his own ministers, falsely accused of having attacked State security, and they had been executed immediately. On 24-25 December 1989, 7 citizens had been condemned to death and executed, while 30 had been detained and were currently being subjected to daily torture.

56. Since the coup d'état in Liberia by Sergeant Samuel Doe in January 1980, the country had lived in a state of terror characterized by arbitrary detention, torture, and death sentences imposed on alleged political opponents. In October 1985, the Sergeant Head of State had tried to legitimize his régime by a rigged general election. The Liberians had not accepted the results and, in November 1985, an attempt had been made to overthrow him. He had then engaged in terrible repression, bombing and burning villages.

57. On 24 December 1989, there had been a new armed confrontation between the Sergeant and the opposition and a veritable civil war had begun. There were more than a thousand civilian victims; it was calculated that over 16,000 peasants had taken refuge in the Ivory Coast and more than 14,000 others in Guinea. The international community should call on Sergeant Doe to cease massacring the population of Liberia.

58. In Niamey, Niger, on 9 February 1990, troops of the dictator Ali Saidou had killed 5 university students and wounded another 30. It was quite unacceptable that automatic weapons should be fired at students who were engaged in a peaceful demonstration, and the international community should bring pressure to bear on the dictatorial Government to stop it from killing its own sons.

59. The Republic of Somalia was the result of the union of the former British Somalia and the former Italian Somalia, in July 1960. After the formation of the High Revolutionary Council presided over by Siyad Barre, the political balance of the two former territories had been disrupted. The Somali civil war should be regarded as the loss of confidence by former British Somalia in the people in power in Mogadishu. The armed struggle being

waged by the Somali National Movement (MNS) and the Somali Democratic Salvation Front (SDBSS) had claimed many lives and his organization urged the Commission to do everything in its power to end the hostilities.

60. Sudan was the largest country in Africa and one of the most culturally heterogeneous. The majority of the population was Arab and Muslim and the minority belonged to the traditional Sudanese culture and was Christian or practised traditional African religions. The real problem was that the majority wished to impose its laws and customs on the minority, and that had led to the civil war which had begun one year before Sudan's independence.

61. In 1972, an agreement had been signed at Addis Ababa stipulating that the southern provinces of Bahr-el-Ghazel, Equatoria and Upper Nile would form an autonomous Southern Region, but that agreement had not been respected. On 16 November 1988, the emissaries of the Prime Minister and the President of the Movement for the Liberation of the Sudanese People had reached a new agreement at Addis Ababa providing for the suspension of the Shariah; dissolution of the armed militias in the south of the country; a balanced foreign policy; and revision of the electoral law. That agreement had unfortunately not been approved by the National Assembly and there had been an intensification of the armed struggle. Peace would return to the Sudan only when it had a State organization that corresponded to the various cultural concepts of the country.

62. Mr. WADLOW (International Fellowship of Reconciliation), speaking on behalf of seven non-governmental organizations in consultative status with the Economic and Social Council, said that he welcomed the decision by the Government of Myanmar to hold multiparty elections in May 1990, as it had been urged to do by the Commission in its decision 1989/112. However, the prospects for a free and fair ballot did not seem good.

63. As the Commission was aware, the leaders of most major opposition parties were in detention and had been barred from participating in the elections; one third of the adult population was disenfranchised on grounds of ethnic origin; extensive curfews were in force; all the media were State-controlled, and there was minimal freedom of expression and information; a significant number of academics and journalists were in prison; and the independence of the judiciary was severely limited.

64. There were two separate but closely related aspects to the amelioration of the human rights situation in Myanmar. The first was the need for an orderly return to representative government. Democratic institutions had been suppressed in 1962 and the country had since been ruled by a military Government. Military rule had given rise to well-documented violations of human rights, including arbitrary arrest and torture. Moreover, there had been a rapid decline in the standard of living and in respect for economic, social and cultural rights.

65. The second aspect concerned the struggle of the non-Burmese ethnic populations for greater autonomy within a federal State of Burma. Those peoples had been subject to indiscriminate brutality and forced conscription by the army. The fighting had recently escalated along the frontier with Thailand, where an estimated 26,000 Karen and Mon refugees had fled in

previous weeks. In addition, there were 20,000 Karen refugees currently in camps in Thailand. He reminded the Commission of the recommendations of the Special Rapporteur on human rights and mass exoduses, and urged humanitarian action by the Governments of Thailand and Myanmar to prevent a worsening of the situation.

66. With a view to alleviating the conditions which he had described, he made the following suggestions. First, the Commission should appoint a Special Rapporteur on the situation in Myanmar. Secondly, it should call upon the Government of Myanmar to lift martial law; release all political prisoners and allow the leaders of the opposition parties to take part in the elections; adhere to the international standards for free and fair multiparty elections, and allow monitoring of the elections by independent bodies; take steps, through dialogue and reconciliation, to return to representative government; and accept the offers of humanitarian mediation between the Government and the ethnic groups. Thirdly, the Commission should call upon the international community to adopt the international and bilateral economic sanctions called for by the Burmese democratic movement, such as a ban on the trade in Burmese teak.

67. The international community must do whatever it could to facilitate the return of Myanmar to democratic institutions, respect for human rights and a non-dependent form of development.

68. Mr. ROMARE (Sweden) said that the recent months had witnessed a succession of dramatic developments in Central and Eastern Europe whose impact would reach far beyond the European continent. Those events were a reminder that, once set in motion, the struggle for freedom could not be put down by force. People around the world were more conscious of their rights and freedoms than they had been previously. The question which would become increasingly prominent was whether human beings must endure bloodshed in order to enjoy their rights, as in Romania, or whether those rights could be achieved by peaceful means, as in other Central and Eastern European States.

69. Through its resolutions and other actions, the Commission had frequently been an important source of moral support to many who struggled within their own countries for an improved respect for human rights. The system of special rapporteurs was probably the most influential means at the Commission's disposal for dealing with the human rights situation in a given country. Although Governments, as a rule, did not approve of having their situations examined by a special rapporteur, the need for such co-operation was increasingly apparent. He welcomed the fact that the new Government of Romania had expressed an interest in retaining, for another year, the Special Rapporteur on the human rights situation in that country to assist the transition to democracy. That attitude should help to eliminate the stigma surrounding the system of special rapporteurs in the eyes of many Governments.

70. The serious deterioration of the human rights situation in Guatemala called for the reinstatement of a special rapporteur or representative. The Guatemalan Government had shown good will in trying to cope with difficult problems. Although he was aware that the Government was opposed to the idea of a special rapporteur, the Commission could not evade its responsibility to follow the Guatemalan situation closely.

71. The continuing conflict in Afghanistan obviously prevented the creation of a solid basis for the enjoyment of human rights. The parties to the conflict in several respects showed an excessive lack of concern for human rights. The situation called for continued review by the Special Rapporteur.

72. The transition to democracy in Chile would soon culminate in the transfer of power to a democratic Government. As a consequence, the recently improved but still unsatisfactory human rights situation should evolve rapidly towards a fully restored respect for human rights and fundamental freedoms. While he would have welcomed a decision by the Chilean Government to retain the Special Rapporteur temporarily as a means of assistance and support, he was confident that the new Chilean Government would give the highest priority to the protection of human rights.

73. Serious strife and human rights violations continued in El Salvador, including politically motivated summary executions, forced disappearances and a growing number of detentions. Many such violations had obviously been committed by the armed forces and the so-called death squads, which were more or less aligned with the government forces. It was to be hoped that the investigations into the murders of the six Jesuit priests and their two household employees would continue so that those responsible could be brought to justice.

74. However, the Farabundo Martí National Liberation Front was also responsible for acts which caused human suffering, and its attacks on the economic structure seriously affected the possibilities for the Salvadorian people to enjoy their economic, social and cultural rights. The situation obviously required continued monitoring.

75. Although he could not comment in detail on the human rights situation in Iran, pending publication of the report of the Special Rapporteur on his first visit to that country, his Government remained deeply concerned. He drew attention to the problem of reprisals by the authorities, designed to intimidate witnesses appearing before United Nations officials examining human rights situations.

76. Such reprisals had allegedly occurred in Iran, during the visit of the Special Rapporteur, and in connection with the visit by representatives of the Commission to Cuba in 1988. The seriousness of such acts was compounded by their implied disregard for the integrity of United Nations organs and their possible detrimental effect on the functioning of the Commission. The Commission should make it very clear that such practices would not be tolerated.

77. His Government was deeply concerned at the human rights situation in China. While welcoming the lifting of martial law in Beijing, he found it deplorable that martial law remained in force in Lhasa. Despite the amnesty under which some 500 of those imprisoned in connection with the events of June 1989 had been released, a considerable number remained in detention. He urged the Chinese Government to release all political prisoners, including Wei Jingsheng.

78. His Government had also received disturbing reports of serious human rights violations in Iraq, including torture and the brutal treatment of prisoners. He appealed to the Iraqi Government to stop the forced relocations of the largely Kurdish population in the border areas of Iraq and to respect the universally accepted human rights standards.

79. Although his delegation was aware of the difficult internal problems in both countries, reports of widespread violence against civilians and frequent disappearances in Peru and Sri Lanka were also a cause of serious concern.

80. His Government continued to receive allegations of grave human rights violations in Somalia. It was to be hoped that the recent ratification by the Somali Government of several basic international human rights instruments would signal a turning-point in the situation.

81. Reports from Myanmar, where freedom of expression had been obliterated, told of persistent oppression, indiscriminate violence and the routine practice of torture. He strongly urged the Government of Myanmar to allow all opposition leaders to participate in the forthcoming election and appealed to it to show full respect for human rights and fundamental freedoms.

82. The report of the Special Rapporteur on summary or arbitrary executions (E/CN.4/1990/22) showed that such practices continued in a large number of countries. His delegation commended the Special Rapporteur's efforts on behalf of those threatened with summary execution. He underscored the Special Rapporteur's recommendations on ensuring the protection of persons who played key roles in defending human rights and social justice, and on strengthening the Centre for Human Rights. The Special Rapporteur's mandate should be extended, preferably for a longer period than had previously been the case.

83. His delegation, which had often given its views on the question of selectivity, regretted the failure of the Commission to take up some of the most abhorrent examples of human rights violations while at the same time dealing with other cases. The international community must not be silent in the face of human rights violations in any country anywhere.

84. Mr. AL-TIKRITI (Iraq) said that the human rights situation in any country could not be discussed in the abstract, irrespective of any other considerations, as it was linked to objective circumstances and specific social and cultural realities. With the positive changes taking place in many countries of the world, including Eastern Europe, no country could any longer ignore its human rights obligations. Awareness of such obligations was deeply rooted in Iraqi thought and could be traced back to ancient times. More recently, the Iraqi Constitution and laws contained many provisions which ensured the safeguard of human rights.

85. The previous decade had been a difficult and critical period for his country. The war, lasting eight years, had been designed to undermine its territorial integrity and development process. Inevitably, the war had had adverse consequences for the human rights situation in Iraq, which had devoted all its efforts to defending its independence and sovereignty.

86. However, since the cease-fire agreement with Iran, which had come into force in August 1988, Iraq had embarked on a new post-war phase. The national economy was being rebuilt on new foundations. The areas destroyed during the war were being redeveloped, and social, cultural and political reforms were being introduced. Likewise, in the field of human rights, his Government had decided to revise all legislation enacted during the war, particularly that which limited the rights of citizens. In fact, 23 laws and decisions had been abolished and various new laws had been promulgated, the most recent of which had established an administrative court to examine abuses by the authorities of citizens' rights. Moreover, a bureau had been set up under the Parliament to deal with complaints received from citizens.

87. A general amnesty had been granted for Iraqi nationals abroad, including Kurdish refugees in Turkey, many of whom had already returned to Iraq. Other laws had been passed concerning freedom of movement inside and outside Iraq.

88. A permanent Constitution had been elaborated and would be submitted to a referendum in 1990 prior to being promulgated. Two bills on freedom of the press and a multi-party political system had been drafted and would be passed during the current year.

89. In April 1990, members of the Sub-Commission on the Prevention of Discrimination and Protection of Minorities were to pay a visit to his country at the invitation of the Iraqi Human Rights Society. His Government welcomed the forthcoming visit and expressed its willingness to extend all the facilities necessary for its successful conclusion.

90. Delegations from Western Europe had already visited Iraq and a further visit by members of the Swedish Parliament was expected shortly. His country opened its doors to anyone wishing to visit it for any purpose, and stood ready to co-operate further with intergovernmental and non-governmental human rights organizations in order to acquaint them with the emerging new situation.

91. With regard to the so-called "deportation" of Kurdish citizens, his Government had decided to evacuate the population living along Iraq's border with Iran and Turkey over an area 1,200 kilometres long and 30 kilometers wide because of the suffering inflicted on the inhabitants, the savage bombardments and the acts of aggression and blackmail committed against them by certain traitors co-operating with the enemy. Such measures had not been confined to the province of Kurdistan, but had been applied in a number of other provinces as well.

92. In order to facilitate the departure of the inhabitants of the regions concerned to safer places and to enable them to live normally, his Government had offered either to indemnify them amply or to resettle them in towns specially built for them not far from their native regions. The new settlements had been provided with health, cultural, social and educational facilities and services, which had been lacking in the old towns. The populations concerned had been given the choice to live either in the province of Irbil or in that of As-Sulaymaniyah.

93. No one in Iraq was discriminated against on the basis of ethnic origin or religious belief. The enactment of the law of autonomy for the province of Kurdistan was aimed at promoting the legitimate national rights of the Kurds within the framework of national unity and ensuring the exercise of their

cultural and political rights. Elections for the Legislative Council of the autonomous province had taken place for the third time on 10 September 1989. That meant that the citizens of the autonomous province of Kurdistan were exercising their political rights at both the national and regional levels.

94. The Kurdish language was the medium of instruction in Kurdish primary and secondary schools. Cultural magazines, specialized publications for children, newspapers and books appeared in Kurdish, and television and radio stations broadcast programmes in that language.

95. Mr. RYDER (International Confederation of Free Trade Unions) (ICFTU) said that, despite momentous developments in various parts of the world, events in a number of countries had taken a dramatic turn for the worse. In El Salvador, the systematic violation of the rights of trade unionists continued. On 31 October 1989, the headquarters of the National Federation of Trade Unions of Salvadorian Workers (FENASTRAS) had been bombed. Ten persons had died and 36 had been injured in the fourth such attack in less than a year, and yet the Government of El Salvador had taken no effective action to investigate those attacks or to protect those who had been so clearly in danger. ICFTU could not but hold the Government responsible for the murderous attacks on FENASTRAS.

96. The appalling catalogue of brutal repression to which the El Salvadorian trade unionists had been subjected since the March 1989 elections that had brought the current Government to power was such that its complicity and the active involvement of its security personnel in grave abuses was all too evident. Moreover, the campaigns conducted by the Government-controlled media to portray leading trade unionists as subversive accomplices of armed opposition groups could be interpreted only as a deliberate signal to the death squads, whose activities had again become widespread, that such individuals could be targeted with total impunity.

97. Thus, the tragic record of murders and disappearances, violent attacks and intimidation of trade unionists had been allowed to go unchecked. The active involvement of members of the police and armed forces had been particularly flagrant in respect of the torture and cruel treatment to which trade union detainees had been regularly subjected. In such circumstances, the detention at the end of January 1990 of 16 leaders of the ICFTU-affiliated Democratic Workers' Centre by members of the national guard and security police had been a matter of the gravest concern to his organization.

98. ICFTU unreservedly condemned the measures adopted by the military Government which had taken power in the Sudan in June 1989 and which had included the dissolution of all trade union organizations, the confiscation of their assets and the imprisonment of large numbers of trade union leaders, many of whom had been deported to the west of the country, where they were held in conditions of extreme hardship. It was very difficult to reconcile the claims by the Government of the Sudan that trade union freedoms were respected fully with the large numbers of trade unionists known to be detained and the dissolution of trade unions, which the Government of the Sudan had not denied.

99. Of even greater concern were the consequences of those provisions of decree No. 2 that outlawed all forms of strike action and which made strikes conducted through conspiracy or criminal league with others punishable by the death sentence. Those provisions had been invoked on 10 December 1989 to sentence to death Dr. Mamoun Ahmed Hussein, Vice-Chairman of the Doctors' Union, and also to hand down a 15-year sentence against Dr. Siad Abdallah for alleged involvement in the preparation of the doctors' strike. ICFTU reiterated its appeal to the Government of the Sudan not to execute that trade unionist.

100. In China, the Chinese authorities had carried out brutal repression against the embryonic independent trade union activity that had emerged against the background of the pro-democracy movement. ICFTU had documented in detail, in a report to ILO, the activities of the Workers' Autonomous Federations, which had been genuine trade unions seeking to represent the interests of working people through peaceful, democratic action in conformity with the Chinese Constitution.

101. The Chinese authorities had stated on more than one occasion that they had not killed, executed or harshly treated students or intellectuals, but they had made no similar statements in respect of workers. The ICFTU had reliable reports of their routine beating and torture. More than 120 workers had been detained after the June events and 10 who had been executed, none of them having benefited from the minimum judicial guarantees required by international instruments relating to the administration of justice.

102. ICFTU appealed to the Government of China for the immediate release of Hang Dongfong, who had been detained since June 1989 and was said to be near death. It urged the Commission to subject the situation in each of the countries he had mentioned to special scrutiny through the appropriate procedures available under item 12.

103. Mr. ROBEL (World Confederation of Labour) said that numerous documents, reports and testimony of witnesses had shown that executions and torture continued to be common practice in the Islamic Republic of Iran. Detention without accusation, mistreatment, sexual abuse and simulated executions went on unchecked. The Commission must call upon the Government of the Islamic Republic of Iran to put an immediate end to systematic human rights violations.

104. Following international pressure, the Government of the Islamic Republic of Iran had finally allowed the Special Representative of the United Nations to visit prisons there and investigate. During his visit to Iran in January 1990, thousands of relatives of political prisoners or persons executed had demonstrated peacefully in front of the office of the United Nations Development Programme in Tehran and had been attacked by security forces. According to reliable sources, thousands of prisoners had been transferred during the Special Rapporteur's visit in order to conceal evidence of human rights violations.

105. In Haiti, the coming to power of General Avril had led to a worsening of the human rights situation. The Haitian Workers' Federation had been the victim of repressive measures. Three of its leaders had been murdered in mid-November 1989, and intimidation, acts of vandalism, arrests and assassinations had multiplied. Mr. Nally Beauharnais, a noted trade union official, had been brutally tortured. Political opponents had been deported

and human rights activists persecuted. By crushing the opposition, the Government of Haiti was pursuing a strategy aimed at rigging the coming elections. His organization asked the Commission to follow the situation in Haiti closely and to take measures to put an end to human rights violations in that country.

106. In Ethiopia, a despotic régime was in power that tolerated no political opposition. Those who voiced critical opinions were put in prison without charges and subject to terrible mistreatment. Even United Nations staff members had been arrested.

107. In the region of Eritrea, democratic and cultural institutions had been dismantled by feudal Ethiopian practices. Amharic had been imposed as the official language, and freedom of association and of the press and the right to organize trade unions had been suppressed. The famine that had cost thousands their lives and destroyed entire villages had been the result of the war and the repression. The suffering of the population would not stop until the right to self-determination was respected. The Commission must call upon the Ethiopian leaders to stop violating human rights in their country and open negotiations with the Eritrean People's Liberation Front.

108. In Colombia, human rights violations perpetrated by both the forces of order and the guerrillas had multiplied in the 1980s. Hardest hit were peasants and workers. Those responsible were paramilitary groups that benefited from the financial support of drug traffickers, military training provided by German, Israeli and United States mercenaries, and the active collaboration of military bases. The largest number of victims were to be found among the trade unions, and hundreds of trade unionists had been murdered. Members of the Judiciary and their families had been threatened, and some judges had even been murdered.

109. The growth of drug production in Colombia and in the Andean region was closely linked to the continuous decline in the price of commodities and the absence of an alternative to the coca crop for millions of peasants. The non-renewal of the International Coffee Agreement had brought about a collapse in the price of coffee that had cost Colombian producers some $750 million. The struggle against violence and drugs must be stepped up, but only a democratic society that ensured real development for the entire population could bring about a genuine respect for human rights.

110. The World Confederation of Labour was deeply concerned at the human rights violations in the Sudan. It was particularly shocked by the death penalty to which Dr. Mamoun Ahmed Hussein, head of the National Sudanese Doctors' Trade Union, had been sentenced. The Commission must call upon the Head of State of the Sudan to spare the life of that trade unionist and to ensure respect for human rights, including the rights of trade unions.

111. Mr. BLAAUW (Liberal International Human Rights Committee) (LIHRC) said that more and more States were closing their borders to asylum-seekers, thereby denying refugees protection against persecution and repression. Owing to the growth of racism and xenophobia in many countries, immigrants, refugees and minorities had been blamed for economic, social and cultural ills. His organization favoured the involvement of the United Nations system in protecting the rights of refugees, whether they fell technically within the scope of the Convention relating to the Status of Refugees or not.

112. The LIHRC expressed its concern about the link between religious fundamentalism and human rights violations in many parts of the world and asked the Commission to consider the matter. It also urged States to ratify the Convention on the Rights of the Child as soon as possible.

113. His organization was deeply concerned at the increasing violence and human rights violations committed by all sides in Sri Lanka. Respect for the sanctity of human life and human dignity was being undermined through killings, torture and abductions carried out by elements associated with the Government of that country as well as by violent groups opposed to democratic values. Any solution to the Sri Lankan crisis must involve respect for human rights and support for a pluralist society. That country needed a human rights commission composed of representatives of all recognized political parties and human rights organizations to investigate human rights abuses in prisons and places of detention. He called upon the Government of Sri Lanka to take all possible steps to ensure respect for the human rights of all Sri Lankans, regardless of race or political opinion, and urged all armed groups in Sri Lanka to desist from violence and to adopt a political course that did not violate human rights.

114. His organization was appalled by the brutal repression of those seeking to introduce democratic procedures in China by peaceful means. The demands made by Chinese students and workers had once again demonstrated that the desire for freedom could not be quelled even by decades of totalitarian government. Economic reforms, however desirable, could not satisfy the demand for democracy. He condemned the massacre of demonstrators in Beijing, the executions of those associated with the democratic movement, the accompanying propaganda campaign of lies and the effort to incite the Chinese to denounce family members and neighbours who held opinions that the Communist Party did not approve. All democratic Governments must co-ordinate and sustain their pressure on the Chinese authorities to end the reign of terror.

115. His organization pledged its support for the people of Central and Eastern Europe, who through their courage had won important changes in totalitarian régimes, but noted with concern that in some countries, discredited parties and individuals still sought to retain control under a new guise. Open and equal access to the media by all political parties was essential. He warned of signs of extremist movements encouraging excessive nationalism and hostility towards ethnic and religious minorities.

116. Economic, social and cultural rights must be given the same priority as political and civil rights. The promotion of human rights must be universal, and it was unfortunate that the geographic location of certain violators had led to bloc voting that had prevented the scrutiny of human rights violations.

117. Mr. AMOO-GOTTFRIED (Ghana) said that the basic human rights of the people of Cyprus continued to be violated. A settlement could only be reached by peaceful means and by guaranteeing the unity, sovereignty and independence of that country. His delegation therefore called for immediate implementation of the relevant United Nations resolutions, particularly Security Council resolutions 541 (1983) and 550 (1984).

118. Given the improved international climate, it was to be hoped that the leaders of the two Cypriot communities would renew their efforts to bring about a just and viable settlement through meaningful, constructive and substantive negotiations under the auspices of the Secretary-General. In that connection, his Government welcomed the recent meetings between the President of the Republic of Cyprus and the leader of the Turkish-Cypriot community.

119. His delegation supported a continuation of the good-offices mission of the Secretary-General. It was essential to restore and safeguard the human rights of all Cypriots.

The meeting rose at 1 p.m.